

BOISE, MONDAY, AUGUST 20, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 39187
)	
STEVEN CLAY ANDERSON,)	
)	
Defendant-Appellant.)	
_____)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael R. Crabtree, District Judge.

Sara B. Thomas, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent.

This appeal comes to the Idaho Supreme Court via a petition for review of a Court of Appeals decision. During a traffic stop, police searched Steven Clay Anderson's vehicle based on a drug dog's alert that there were drugs in the vehicle, as well as other suspicious circumstances. After the initial dog alert, police placed the dog inside the vehicle, at which point the dog failed to alert to the presence of drugs. The police then conducted a manual search of the vehicle and discovered a firearm. As a result, Anderson was charged with possession of a firearm by a felon.

The district court denied Anderson's motion to suppress the evidence found in the vehicle, holding that police had probable cause to conduct the search. The court further held that the dog's failure to alert inside the vehicle did not "dissipate" the officers' probable cause. The Court of Appeals affirmed, finding that police had probable cause to support the manual search based on the totality of the circumstances, notwithstanding the failed dog alert. The Supreme Court granted Anderson's petition for review.

BOISE, MONDAY, AUGUST 20, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

WASHINGTON FEDERAL SAVINGS, a)	
United States Corporation,)	
)	Docket No. 38484
Plaintiff-Respondent,)	
)	
v.)	
)	
H. CRAIG VAN ENGELEN and,)	
KRISTEN VAN ENGELEN,)	
)	
Defendants-Appellants.)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cheri C. Copsey, District Judge.

Banducci Woodard Schwartzman PLLC, Boise, for appellants.

Wishney Law, Boise, for respondent.

Henry Craig Van Engelen and Kristen Lee Van Engelen (“the Van Engelens”), husband and wife, ran a real estate development business through several different corporate entities. In 2002, to execute a loan with Washington Federal Savings in favor of Van Engelen Development, Inc., the Van Engelens signed a Continuing General Guarantee Agreement (“the Continuing Guaranty”), agreeing to personally guarantee all loans by Washington Federal to Van Engelen Development until the Van Engelens sent written cancellation of the Continuing Guaranty. In 2005, the Van Engelens began the process of acquiring and developing the Carriage Hill Project, which is a multimillion dollar real estate investment venture, through Northwest Development Company, LLC.

The Van Engelens contend that based on the assurances of Washington Federal that they would not have to sign any personal guaranty agreements, in 2006, they caused Van Engelen Development to execute a series of six loans with Washington Federal to further their development of the Carriage Hill Project. The Van Engelens also contend that they had forgotten about the Continuing Guaranty. The district court held that the six loans were subject to the Continuing Guaranty because no written notice of withdrawal had been sent. The Van Engelens assert that the Continuing Guaranty is not applicable based on the affirmative defenses of waiver, estoppel, fraud and fraudulent inducement, among others. The only issue on appeal is whether the six loans to Van Engelen Development are subject to the Continuing Guaranty such that the Van Engelens are personally liable to Washington Federal as a result of a foreclosure sale on the Carriage Hill Project.